

REMARKS

Claims 1-39 had been cancelled and claims 42-46 and 51-55 are cancelled herein without prejudice or disclaimer. Claims 40, 49 and 59 are amended and new claims 60-64 are added. Claims 40, 41, 47-50 and 56-64 are pending. No new matter has been added to the application by the present Amendment.

Claims 40 and 49 are amended herein to incorporate subject matter of respective dependent claims 45 and 54. In addition, further amendments are made for consistency with 35 U.S.C. 101. Claim 59 is amended and new claims 60-64 are supported by the original application, including, but not limited to paragraphs [0082] to [0103]. No new matter is added to the application by those amendments and new claims.

Claims 40-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,009,116 to Bednarek et al. (hereinafter "Bednarek") in view of the Examiner's Official Notices. With regard to cancelled claims 42-46 and 51-55, this rejection is moot. With regard to claims 40, 41, 47-50 and 56-59, this rejection is respectfully traversed.

Claim 40 is amended herein to include subject matter of previously dependent claim 45, which recited that the additional information comprises current time information. Bednarek neither describes nor suggests a method as recited in claim 40, including:

"requiring predefined additional information before providing each recipient processor determined to be within the predefined location or region access to first information by the provider processor; and  
providing each recipient processor not determined to be within the predefined location or region with access to first information by the provider processor without requiring the predefined additional information;  
wherein the additional information comprises current time information."

In rejection previous claim 45, the Examiner acknowledged that Bednarek does not disclose that additional information comprises current time information. However, the Examiner then argued that he is taking Official Notice that it is well known to provide content based on time so the content such as advertising would be relevant. The Examiner further argued that it

would have been obvious “to add to Bednarek the additional information being current time information so to provide such time relevant content.” (Office Action, page 12, lines 3-10.)

The Examiner’s argument does not address the features in claim 40 regarding providing each recipient processor not determined to be within the predefined location or region with access to first information by the provider processor without requiring the predefined additional information. Bednarek describes a set-top box system, where user’s are provided with set-top boxes that are able to receive broadcasted television satellite (or cable) signals. The set-top boxes are able to descramble the received broadcast signal, only if the set-top box is determined to be in an appropriate geographic region.

The broadcast signal is received by a set-top box at the time corresponding to the time that the broadcast signal is transmitted to all set-top boxes in the transmission region. If, as the Examiner argues, Bednarek’s broadcast signal includes time relevant content, that signal would be received by all users in the broadcast region. While some users may be able to descramble the signal (and others may not) depending upon the users’ location, there is no situation in Bednarek where time information is required to provide access to some users, but not required to provide access to other users. Instead, the broadcast signal (with any time relevant content) is simply transmitted at the broadcast time to any user that can receive that signal. Bednarek does not teach or suggest any situation in which time information is required before providing some users (users in certain regions) with a descramble key, while providing other users (users not within those regions) with a descramble key without requiring additional time information. If any time relevant content is in the broadcast signal, that content would simply be descrambled (or not) depending upon the location of the user, at the time of receipt of the signal and without requiring time information for some users, but not others.

Accordingly, it is submitted that claim 40, as amended herein, is patentably distinguished from the references of record, including Bednarek. Similar comments apply to claim 49. The rejection of claims 40 and 49 is, therefore, respectfully traversed.

Each of claims 41, 47, 48 and 58 is dependent on claim 40 and each of claims 50, 56 and 57 is dependent on claim 49. Accordingly, at least for reasons discussed above with respect to independent claims 40 and 49, each of dependent claims 41, 47, 48, 50 and 56-58 is patentably

distinguished over the references of record. Furthermore, each of the dependent claims 41, 47, 48, 50 and 56-58 recite additional features that further distinguish those claims from the references of record.

Claim 59 is also distinguished from Bednarek. As amended, claim 59 recites a method that includes, among other features, “providing each recipient processor access over the communication network, by the information provider processor, to first information in encrypted form that can be decrypted using a decryption key that includes or is composed of at least one value, number or parameter that corresponds to location information for one or more of the recipient processors, but not all of the recipient processors, to allow each of said one or more of the recipient processors, but not all of the recipient processors, to use location information provided by its associated positioning system to form a decryption key for properly decrypting the encrypted first information.”

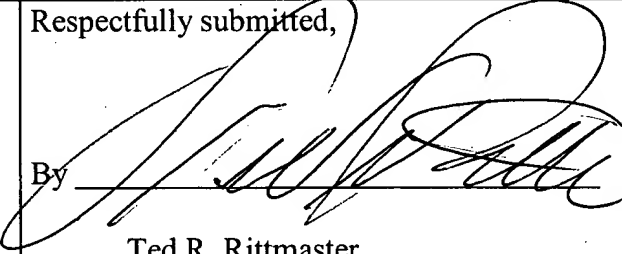
While Bednarek refers to the release of a stored descramble key, for users in certain geographic locations, Bednarek neither describes nor suggests a decryption key that, itself, is composed of at least one value, number or parameter that corresponds to location information. Accordingly, the method of claim 59 is neither described nor suggested by Bednarek. The rejection of claim 59 is, therefore, respectfully traversed.

New claims 60-64 are each dependent on claim 59 and each recite further features that are neither taught nor suggested by Bednarek. For example, claim 60 recites that the encrypted form of the first information can be decrypted using a decryption key that includes or is composed of at least one value, number or parameter that corresponds to a conjunction of location information for one or more of the recipient processors, but not all of the recipient processors, and current time information. Claim 61 recites that the encrypted form of the first information can be decrypted using a decryption key that includes or is composed of at least one value, number or parameter that corresponds to a conjunction of location information for one or more of the recipient processors, but not all of the recipient processors, and identification information.

New claims 62-64 recite a step of configuring each respective recipient processor to apply a decryption routine using a decryption key similar to the keys referred to in claims 59, 60 and

61. It is submitted that each of new claims 60-62 is patentably distinguished from the references of record, including Bednarek.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Re-examination and reconsideration of the application, as amended, are requested.

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